

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:24-cv-02944-KMM-JFD

United States of America,

Plaintiff,

v.

1. Evergreen Recovery Inc.;
2. Evergreen Mental Health Services Inc.;
3. Ethos Recovery Clinic Inc.
4. Second Chances Recovery Housing Inc.;
5. Second Chances Sober Living, Inc.;
6. David Backus;
7. Shawn Grygo; and
8. Shantel Magadanz,

Defendants.

**ORDER PERMITTING
DISCLOSURE OF PATIENT-
IDENTIFYING RECORDS**

This matter is before the Court on the application of the United States, pursuant to 42 U.S.C. § 2900dd-2(b)(2)(C) and 42 C.F.R. § 2.51-2.54, for an order authorizing the parties to disclose substance abuse and treatment client records held by Evergreen Recovery Inc., Evergreen Mental Health Services, Inc., Ethos Recovery Clinic Inc., Second Chances Recovery Housing Inc., and Second Chances Sober Living (the “Evergreen Entities”).

The United States asserts that sharing limited patient identifying information with local government social service agencies, probation officials, and county agencies (collectively, “local government partners”) is necessary to ensure client safety and security during a transition of client services pursuant to a wind down of the Evergreen Entities. The United States’ application does not include a request that the parties be permitted to

share treatment records or confidential communications between a client and treatment provider, only a request that the parties be permitted to share client identifying information such as name and date of birth with local government partners who will assist clients in a transition of services or work to assure client safety.

The Court finds good cause for this Order exists, that other ways of obtaining the evidence are either not available or would not be effective, and that the public interest and need for disclosure and use of patient records outweigh the potential injury to patients of the program, provider-patient relationships and the treatment services.

Accordingly, the Application by the United States for an Order authorizing the parties to disclose patient records to local government entities as necessary to ensure ongoing client safety is hereby GRANTED. In granting this Order, the Court further **ORDERS** that:

1. The parties shall limit disclosure to those parts of the patients' records which are essential to fulfill the objective of this Order;
2. The parties shall limit disclosure to those persons whose need for the information is the basis for the order, namely, the local government entities enumerated above, in compliance with 42 C.F.R. § 2.64(e)(2);
3. The parties shall redact or delete patient identifying information from any documents made available to the public, in compliance with 42 C.F.R. § 2.66(d)(1);
4. Before a party may share any patient identifying information pursuant this Order, the person or entity with whom the information will be shared must agree to

comply with the provisions of 42 C.F.R. § 2.53(e)(1)(i)-(iii).

Dated: August 9, 2024

s/ John F. Docherty
The Honorable John F. Docherty
United States Magistrate Judge